

Order

Michigan Supreme Court
Lansing, Michigan

October 23, 2013

Robert P. Young, Jr.,
Chief Justice

147084

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 147084
COA: 314596
Macomb CC: 12-001103-FH

CARLOS ARISTA DE LA ROSA,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 20, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Macomb Circuit Court for it to correct the judgment of sentence by striking the language prohibiting the defendant's deportation until he serves 17.5 years. Although the defendant is not currently eligible for early parole and deportation pursuant to MCL 791.234b, the language of the statute is mandatory, and a sentencing judge may not prevent application of the statute if a defendant eventually becomes eligible.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 23, 2013


Clerk